

REMARKS

With the above amendments, claims 1-9 and 11-20 remain in the application and stand rejected. Claim 10 has been cancelled. Reconsideration of the rejection is respectfully requested in light of the following reasons.

Drawing Objections

In response to the drawing objections of the last office action, replacement sheets for FIGS. 12 and 14-16 are submitted herewith.

Claim Rejections -- 35 U.S.C. § 112

Claim 10 stands rejected under 35 U.S.C. § 112, second paragraph, as being indefinite. Claim 10 has been canceled to expedite prosecution. Applicants reserve the right to reintroduce features of claim 10 in this or a continuing application.

Claim Rejection -- 35 U.S.C. § 103

There are three requirements to establish a prima facie case of obviousness. First, there must be some suggestion or motivation to modify a reference or to combine references. Second, there must be a reasonable expectation of success. Third, the prior art reference or combined references must teach or suggest all the claim limitations. See MPEP § 2143.

A. Wallent and Golan

Claims 1-3, 6-9, 11, 14-16, and 18-20 stand rejected under 35 U.S.C. § 103 as being unpatentable over U.S. Patent No. 6,366,912 to Wallent et al. ("Wallent") in view of U.S. Patent No. 5,974,549 to Golan ("Golan"). The rejection is respectfully traversed.

Claim 1 is patentable over Wallent and Golan at least for reciting: "if the browser will not alert the user, *not performing the download* unless the user specifically

authorizes the download” (emphasis added). Wallent discloses conventional web browser security settings. A user can configure these settings to set a security level (e.g., Wallent, FIG. 4). Unfortunately, as discussed in the Specification (see Specification, page 45, line 29 to page 46, line 14), a user can set the security level to a level that will not alert the user before a download. That is, a user can configure a conventional browser’s security setting such that the browser will allow a download without first alerting the user. This is the primary reason why Wallent does not disclose or suggest the limitation “if the browser will not alert the user, not performing the download unless the user specifically authorizes the download.”

The last office action suggests that Golan teaches the aforementioned limitation that is missing in Wallent. In Golan, a security monitor DLL monitors the operation of software that is *already downloaded* and *executing* in the client computer. Golan does not disclose or suggest *not performing the download* in the first place. Golan is explicit that:

“The invention implements a security monitor that is capable of running any Web browser, e.g., Internet Explorer, Netscape Navigator, in a secure mode in which every downloadable component *executes* within a secure sandbox. The security monitor detects when a *downloaded* software component attempts to commit an action that breaches security and functions to halt the component's execution and issue a warning to the user.”

Golan, col. 4, lines 51-61 (emphasis added)

Golan col. 7, lines 17-22 and col. 4, lines 58-61, cited in the last office action, also pertains to monitoring of downloadable software that is already downloaded and running in the client computer. That is, unlike the embodiment recited in claim 1, Golan does not require user authorization to download software when the browser security setting does not call for such user authorization. Golan allows downloading of downloadable software and then performs monitoring, but does not prevent the downloading of the software in the first place. Therefore, unlike claim 1, both Wallent and Golan do not require user authorization to download software if the browser’s security setting is set

such that the browser will not alert the user prior to the download. It is thus respectfully submitted that claim 1 is patentable over Wallent and Golan.

Claims 2, 3, 6, and 8 depend on claim 1 and are thus patentable over Wallent and Golan at least for the same reasons that claim 1 is patentable.

Like claim 1, claim 9 is patentable over Wallent and Golan at least for reciting: “if the browser will not display the security message, displaying a non-browser message asking a user to authorize the download.”

Claims 11 and 14 depend on claim 9 and are thus patentable over Wallent and Golan at least for the same reasons that claim 9 is patentable.

Like claim 1, claim 15 is patentable over Wallent and Golan at least for reciting: “if the user will not be alerted prior to the download, not downloading the software to the client computer without a specific authorization from the user.”

Claims 16 and 18-20 depend on claim 15 and are thus patentable over Wallent and Golan at least for the same reasons that claim 15 is patentable.

B. Wallent, Golan, and Bodin

Claims 4, 5, 12, 13, and 17 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Wallent and Golan as applied to claims 2, 9, and 15 above, and further in view of U.S. Patent No. 6,061,733 to Bodin et al. (“Bodin”). The rejection is respectfully traversed.

Claims 4 and 5 depend on claim 1, claims 12 and 13 depend on claim 9, and claim 17 depends on claim 15. The patentability of claims 1, 9, and 15 over Wallent and Golan has already been explained above. Bodin does not add anything to Wallent and Golan in regard to claims 1, 9, and 15. Therefore, it is respectfully submitted that claims 4, 5, 12, 13, and 17 are patentable at least for the same reasons their base claims are patentable.

Conclusion

Docket No. 10005.001510
Response To Office Action
February 14, 2006

For at least the above reasons, it is believed that claims 1-9 and 11-20 are in condition for allowance. The Examiner is invited to telephone the undersigned at (408)436-2112 for any questions.

If for any reason an insufficient fee has been paid, the Commissioner is hereby authorized to charge the insufficiency to Deposit Account No. 50-2427.

Respectfully submitted,
Eric McKinlay et al.

Dated: February 14, 2006

Patrick D. Benedicto

Patrick D. Benedicto, Reg. No. 40,909
Okamoto & Benedicto LLP
P.O. Box 641330
San Jose, CA 95164
Tel.: (408)436-2110
Fax.: (408)436-2114

| CERTIFICATE OF MAILING | | | |
|--|-----------------------------|--------|-------------------|
| I hereby certify that this correspondence, including the enclosures identified herein, is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below. If the Express Mail Mailing Number is filled in below, then this correspondence is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service pursuant to 37 CFR 1.10. | | | |
| Signature: | <i>Patrick D. Benedicto</i> | | |
| Typed or Printed Name: | Patrick D. Benedicto | Dated: | February 14, 2006 |
| Express Mail Mailing Number (optional): | | | |